

**U.S. Department of Justice**

Michael J. Sullivan
United States Attorney
District of Massachusetts

Main Reception: (617) 748-3100

John Joseph Moakley United States Courthouse
1 Courthouse Way
Suite 9200
Boston, Massachusetts 02210

March 14, 2006

by facsimile

James L. Sultan, Esquire
151 Merrimac Street, 2nd floor
Boston, MA 02114-4717

Re: United States v. Joseph Allen

Dear Mr. Sultan:

This letter is intended to satisfy the twenty-one day discovery requirements specified in Magistrate Judge Swartwood's discovery order dated June 2, 2005.

Witness List

The government's witness list is attached. I will provide you with criminal record checks for the civilian witnesses as soon as I have obtained their birth dates and had the checks run.

Custodial Admissions

The United States previously provided you with any custodial admissions made by your client.

Itemization of Video and Audio Recordings

The United States previously provided you a list of all video and audio recordings in this case, as well as access to the recordings. At this time, the United States has not determined which of the recordings it intends to introduce at trial. The United States cannot determine which recordings it intends to use at trial until it is clear which of the ten remaining defendants intend on pleading guilty. The United States reserves the right to introduce into evidence all video and audio recordings previously identified, but will inform the defense of the specific recordings it intends to use as soon as that determination is made. The United States expects to have transcripts made of the recordings it intends to use at trial. The transcripts will be provided to the defense upon their completion.

Mr. Sultan
March 14, 2006
Page 2

In addition to the above-specified twenty-one day discovery, the United States provides the following discovery:

Lab Reports/Curriculum Vitae of Roger Godino

Enclosed is the curriculum vitae of DEA Chemist Roger Godino, who tested the OxyContin in this case. The United States intends on calling Mr. Godino as a trial witness. Due to its size, I will have the laboratory notes and other materials created by the lab during testing of the specimens in this case mailed to you separately. Would you be willing to stipulate to the laboratory findings with regard to the OxyContin in this case? This would obviate the need for Mr. Godino's testimony.

Report of Investigation

Enclosed please find a DEA Report of Investigation by Christy Cullen, dated May 6, 2004, re: Analysis of Pen Register for Carlos ESPINOLA's cellular phone (978-375-4378). I received this report late last week.

Interview of Joseph Baldassano

During and interview of Joseph Baldassano conducted at the United States Attorney's Office in Boston, MA on March 14, 2006, he made the following statements:

Mr. Baldassano admitted using marijuana, cocaine, "crack" cocaine, heroin, LSD, mushrooms, ecstasy, ketamine, "G," Angel Dust [PCP], meth, percocet, vicodin, and OxyContin. Mr. Baldassano first used marijuana in the summer of 1996 (around eighth grade). He has not used marijuana since sophomore year in college. Mr. Baldassano first used cocaine in 2001 and last used it in June 2004. At times, he used cocaine Thursday through Saturday. Mr. Baldassano first used "crack" cocaine at the beginning of 2004, and used it three or four times total. Mr. Baldassano first used heroin four or five months before his arrest in this case and thereafter used it two or three times per week. Mr. Baldassano first used LSD during his freshman year in high school and stopped using it in his junior year in high school. He used it on weekends during that period. He began to use mushrooms also during his freshman year in high school and used mushrooms twice while in college. Mr. Baldassano first used meth in 2003 and used it three times, the last time was in 2003. Mr. Baldassano first used ecstasy during his freshman year in college (1999-2000) and used it at most ten times. Mr. Baldassano first used ketamine during his freshman year in college and used it until the time of his arrest in this case. He used ketamine frequently, often daily. During the weekend he would regularly use two to four bottles of ketamine. Mr. Baldassano first used "G" in 2004 and used it seven or eight times. Mr. Baldassano first used percocet and vicodin during his freshman year in high school and used them regularly until about two years before his arrest in this matter. He used an average of fifty pills each week. Mr. Baldassano first used Angel Dust [PCP] in 2003 and last used it at the

Mr. Sultan
March 14, 2006
Page 3

beginning of 2004. He used it three times. Mr. Baldassano first used OxyContin in 2002 and last used it shortly after his arrest in this matter while incarcerated in the Plymouth County House of Correction. There was a period of three months during this period, while he was on state probation, when he did not use OxyContin. At the peak of his use, Mr. Baldassano used ten to twelve eighty milligram pills of OxyContin per day. This level of use lasted about six to seven months.

Mr. Baldassano admitted distributing marijuana, LSD, mushrooms, cocaine, percocet, vicodin, ketamine, ecstasy, mushrooms, and OxyContin. Mr. Baldassano first sold marijuana around the time he was in eighth grade and did so until he was a sophomore in high school. He resumed selling marijuana when he lived in Lowell, MA in 2001 and 2002. During this latter time, Mr. Baldassano sold an average of three pounds of marijuana per week. He made about a \$1,800 a week in profit. Although not his usual supplier of marijuana, **Carlo Espinola** provided Mr. Baldassano with a pound of marijuana in 2004. This occurred during a snow storm while Mr. Baldassano was at Keith Behsman's house. Mr. Baldassano started selling cocaine in 2002 and sold it until the time of his arrest in this case. He sold an average of a quarter pound of cocaine per week. Mr. Baldassano started selling LSD during his freshman year in high school and stopped at the beginning of his junior year in high school. He distributed it sporadically depending upon its availability. When he did distribute it, he averaged 1400 tabs or units of LSD every two weeks. He sold a sheet of LSD, which contained 100 tabs, for between \$150 and \$200. He charged \$5 for a single tab. Between 2001 and 2003, Mr. Baldassano bought one pound of mushrooms on two occasions. He distributed the mushrooms. Mr. Baldassano started selling vicodin and percocet in 2002 and sold both until early 2004. He sold a total of about 1000 pills each week. Mr. Baldassano started selling ketamine in 2001 during his freshman year of college at Wentworth and sold it regularly until the time of his arrest. There were gaps during this period when ketamine was unavailable. In 2004, Mr. Baldassano regularly obtained ketamine from **Carlos Espinola** for resale. Mr. Baldassano first sold ecstasy in 2001 and stopped selling it in 2002. He sold it at most about ten to fifteen times. Mr. Baldassano never paid taxes on the money he made from selling illegal drugs.

Mr. Baldassano was first arrested when he was fourteen years of age and charged as a juvenile with ABDW, to wit a pumpkin. The case was continued without a finding and later dismissed. At age fourteen, he was also charged with being a minor in possession of alcohol. That case was also continued without a finding and later dismissed. In or about July 2002, Mr. Baldassano was arrested and charged with possession of OxyContin with intent to distribute. He pled guilty and was sentenced to six months, with credit for time served.

Between March and June 2004, Mr. Baldassano was in an out-patient detoxification program. During this time he took Suboxone.

After his arrest on this case, Mr. Baldassano, **Joseph Allen**, and possibly **Jose Melo** split one OxyCotin pill at the Plymouth County House of Correction. The OxyContin was obtained

Mr. Sultan
March 14, 2006
Page 4

from an inmate named "Chris," who was not related to this case. Mr. Baldassano believes that **Carlos Espinola** and possibly others split an OxyContin pill at or near the same time.

Statement about Carlos Espinola

In early 2002, Mr. Baldassano was at Jason Matthews's house when he was contacted by a third party who informed Mr. Baldassano that the third party had a connection for ketamine and OxyContin. Mr. Baldassano obtained pills from the connection through the third party and sold the pills quickly. Two or three days after being contacted by the third party, Mr. Baldassano met the source of the drugs - Carlos Espinola. The meeting took place at Espinola's third-floor apartment on Endicott Street in Peabody. Initially, Espinola supplied Mr. Baldassano with twenty milligram OxyContin pills for resale. After about a month, Mr. Baldassano began to receive eighty milligram OxyContin pills from Espinola. Mr. Baldassano was also supplied with ketamine for resale by Espinola. Eventually, Mr. Baldassano came to speak to Espinola daily by phone. Mr. Baldassano was regularly supplied with ketamine and OxyContin by Espinola from early 2002 until Espinola went to a residential drug detoxification program, a month or two before the arrests in this case. Mr. Baldassano met with Espinola about three times each week to pick up drugs or drop off money. Mr. Baldassano bought on average about two hundred pills each week from Espinola from Early 2002 until a month or two before the arrests in this case. A number of those pills were for Mr. Baldassano's personal consumption. [Initially Mr. Baldassano stated he obtained 125 to 150 pills, but later indicated that did not include the pills he obtained for personal use]. The largest single amount obtained by Mr. Baldassano from Espinola was 500 OxyContin pills.

Mr. Baldassano did the following illegal drugs with Espinola: meth, OxyContin, ketamine, ecstasy, cocaine, and "G." Mr. Baldassano saw Espinola in the possession of a handgun on a number of occasions. Espinola showed Mr. Baldassano a bullet proof vest that he kept in his Peabody residence.

The above-paragraphs are not intended to cover every aspect of Mr. Baldassano's statement as it pertained to Espinola.

Statement about Joe Allen

On over twenty-five occasions, Mr. Baldassano provided Allen with OxyContin for distribution. The amounts varied between a single pill to ten or possibly more pills. At times, Allen would call Mr. Baldassano and indicate that he needed a certain number of OxyContin pills for resale. Mr. Baldassano also had Allen make deliveries of OxyContin to Baldassano's customers. Mr. Baldassano was informed by Cream that Cream was also supplying Allen with OxyContin. On one occasion, Mr. Baldassano took Allen to Espinola's house in Peabody. Allen repeatedly offered to pick up drugs for Mr. Baldassano, but Baldassano never permitted Allen to do so. Allen also offered to collect debts owed to Mr. Baldassano by Mr. Pendergast and

Mr. Sultan
March 14, 2006
Page 5

Archibald Mcleod. Mr. Baldassano never authorized Allen to attempt to collect the debts.

Mr. Baldassano stated that he never asked Allen to perform surveillance outside Steve's Restaurant on June 7, 2004. He also stated that Allen did not give him any information about police activity around Steve's Restaurant on June 7, 2004. Mr. Allen denies seeing Allen enter Steve's Restaurant that night and denies hearing Allen call his name after Baldassano left Steve's Restaurant. According to Mr. Baldassano, he and Allen spoke by telephone on June 7, 2006, and Mr. Baldassano informed Allen that he [Baldassano] had to do a drug deal and then was going to go to the mall. Allen told Mr. Baldassano he wanted to go to the mall with him.

The above-paragraphs are not intended to cover every aspect of Mr. Baldassano's statement as it pertained to Allen.

Thank you for your attention to these matters.

Very truly yours,

MICHAEL J. SULLIVAN
United States Attorney

By:

DAVID G. TOBIN
Assistant U.S. Attorney

United States v. Carlos Espinola, et al. Government Witness list

DEA

1. SA Kevin Sawyer
2. GS Richard Guerard
3. SA Steve Story
4. SA Dan Genese
5. SA David Ditullio
6. SA Paul Karamourtopoulos
7. SA Edward Sarabia
8. SA Tim Desmond
9. SA Clement Fisher
10. SA Glen Coletti
11. SA O'Shaughnessy
12. SA Greg Willoughby
13. Roger W. Godino - Senior Forensic Chemist
14. Thomas M. Blackwell - Laboratory Director

Essex County Sheriff's Office

1. Dep. Sheriff Maurice Aguilar
2. Dep. Sheriff Amauris Calcano
3. Dep. Sheriff April Clarizia
4. Cpt. John Hodgson

Rockport Police

Det. Robert Tilburt

Manchester By the Sea

Det. Ken Sucharski

Civilians

1. Kevin Joseph Teixeira, DOB: 10/15/84, Gloucester, MA
2. Jarred Johnson, DOB: 12/31/81, Gloucester, MA
3. Thomas F. Pendergast, DOB: 10/07/76, Gloucester, MA
4. Steven Aptt, DOB: 10/22/81, Gloucester, MA
5. Keith J. Curcuru, DOB: 7/16/78, Gloucester, MA
6. Randy James Gibbs, DOB: 2/07/68, Gloucester, MA
7. Jeffrey Joseph King, DOB: 7/27/78, Gloucester, MA
8. Richard Travis Lane, DOB: 6/14/81, Gloucester, MA
9. Corey Thomas Brooks, DOB: 6/28/79, Gloucester, MA
10. James Joefield, DOB: 7/11/78, Gloucester, MA
11. Sara Ann Thompson, DOB: 6/28/85, Gloucester, MA
12. Allen Woodard, DOB: unknown, Gloucester, MA
13. Samantha O'Brien, DOB: unknown,
14. Alicia Parisi,
15. Michael Williams

ATF

SA Daniel Campbell

Gloucester Police

1. Det. Sean Connors
2. Det. Jim Marr
3. PO Joe Fitzgerald
4. Det. Ryan

Beverly Police

1. Det. Tom Nolan
2. Richard Gainey

MA State Police

1. Tpr. James Bruce
2. Tpr. Jack Foster

Danvers Police

Det. Baldassare

16. Paul Spanks
17. Michelle Dawicki, Peabody, MA
18. Nick Avelis
19. Joe Scalifani
20. Brian Zager
21. Ryan Caverly
22. Leo T. Guarente, Express Connect, 58 Ocean St, Lynn, MA
23. Valerie Luz, CP Racing, 408B Essex St., Salem, MA

The United States reserves the right to amend the witness list. The criminal records for the above-listed civilian witnesses for whom a date of birth is listed will be expressed mailed to you tomorrow (March 14, 2006), unless you request to pick them up tomorrow at the Office of the United States Attorney on Boston. The criminal records for the remaining civilian witnesses will be provided as soon as their dates of birth are identified and the record requests are run.'